



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

<b>Agency Name:</b>	Board for Contractors
<b>VAC Chapter Number:</b>	18 VAC 50-30-10 et seq.
<b>Regulation Title:</b>	Virginia Board for Contractors - Tradesman Rules and Regulations
<b>Action Title:</b>	Amending
<b>Date:</b>	August 21, 2001

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

The Board for Contractors (the Board) seeks to amend its current Tradesman Regulations to reflect statutory changes that respond to changes in the industry. The regulations have not been revised since July 7, 1999. Parts of the text of the regulations have been revised for clarity and ease of use.

18 VA 50-30-20 is amended as follows:

- Add Liquefied Petroleum Gas Fitters as a stand alone trade as specified in House Bill 2536 (1997).

- Add Natural Gas Fitter Providers as a stand alone trade as specified in House Bill 2280 (1999).

All costs incurred in support of board activities and regulatory operations are paid by the department and funded through fees paid by applicants and licensees.

All Boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of indirect costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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On August 8, 2001, the Board for Contractors voted to adopt the Virginia Board for Contractors - Tradesman Rules and Regulations and to proceed to file the final regulations with the Registrar of Regulations by the 22<sup>nd</sup> of August, 2001, to be published on September 10, 2001, with an effective date of November 1, 2001.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

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Section 54.1-1102 of the Code of Virginia (1950), as amended, provides the authority for the Board for Contractors to amend its regulations (18 VAC 50-30-10 et seq.) in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) as is necessary to effectively administer the programs delegated to the Board. The content of the regulations is up to the discretion of the Board, but shall not be in conflict with the purposes of the statutory authority.

**Purpose**

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is*

*essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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The purpose of this amendment to the Tradesman Program is to include the separate trades of Liquefied Petroleum Gas Fitter and Natural Gas Fitter Provider as provided by amendments to § § 54.1-1128 through 54.1-1135 of the Code of Virginia during the 1997, 1999 and 2000 sessions of the General Assembly. These workers are added to the group of trades deemed most dangerous in the construction industry to the health, safety and welfare of the citizens of Virginia.

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.*

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The following substantive changes are being proposed:

#### **18 VAC 50-30-10 Definitions.**

Add two definitions – “Liquefied petroleum gas fitter” (LPG) and “Natural gas fitter provider” (NGF) – due to statutory requirements. The definition for “Incidental” is added to clarify its usage in the regulations. The trades listed in this section were alphabetized for clarity.

The definition of “Gasfitter” was changed to remove incorrect limits and to be consistent with statutory language by adding “liquefied petroleum or natural” and deleting “propane.” This trade has been performing all types of gas piping and will continue to do so. The reason for adding “liquefied petroleum or natural” is to be consistent with statutory language. The reason for deleting “propane” was to remove an incorrect limit, which this trade had already been doing.

#### **18 VAC 50-30-20 Requirements for licensure as a journeyman or master tradesman**

The list of trades in the section title and text was alphabetized to be consistent.

#### **18 VAC 50-30-40.A.1 Evidence of ability and proficiency.**

Language was added to this section to identify the requirements necessary to qualify to take the LPG/NGF journeyman examination.

The requirement of 80 hours was determined from a study of the current training program information provided by the Virginia Propane Gas Association. The Board accepted the following portions of the Certified Employee Training Program (CETP) Study Program:

Basic Principles & Practice	20 hours
Distribution System Operation	22 hours
Appliance Installation	28 hours
International Mechanical Code	<u>10 hours</u>
(NFPA 54 and NFPA 58)	80 hours

These requirements are less restrictive than currently exist for a “Gasfitter,” which consist of 240 hours of training.

**18 VAC 50-30-50. Exemption from examination.**

The changes in this section were added due to statutory requirements for exemption from the examination. The list of trades was alphabetized to be consistent.

In B.4.a, the Board added the designation of “Master Tradesman” and in B.4.b, the Board added the designation of “Journeyman Tradesman” to distinguish between the two.

In B.5.a, the Board added the designation of “Master Tradesman” and in B.5.b, the Board added the designation of “Journeyman Tradesman” to distinguish between the two.

**18 VAC 50-30-90. Fees for licensure and examination.**

Section H was added to identify the fee necessary for LPG and NGF.

**18 VAC 50-30-200 Professional Education.**

Language about the education of LPG and NGF was added to the first paragraph to establish minimum competency requirements. In paragraph two, wording was changed to be consistent with the regulatory definition of “Formal vocational training.”

**Issues**

*Please provide a statement identifying the issues associated with the final regulatory action. The term “issues” means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

In amending these regulations, the Board will reduce the entry requirements to enable qualified individuals to practice their trade. At the same time, the Board is providing the necessary public protection through the increased assurance that licensed tradesmen have met minimum standards of competency. The tradesman licensee, who wishes to offer liquefied petroleum gas and natural gas installation and repair to the general public, will benefit because the scope of work will allow them to practice as a separate trade. The primary advantage to the Board and the Commonwealth is the compliance to statutory requirements and the public’s understanding thereof.

### Statement of Changes Made Since the Proposed Stage

*Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.*

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The Board did not make any changes to its published proposed regulations and voted on August 8, 2001 that the proposed regulations be submitted as its final regulations.

### Public Comment

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

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On July 18, 2001, the Virginia Board for Contractors held a public hearing on its proposed regulations that were published in the Virginia Register on the 21st of May, 2001.

The following comment was received at that hearing.

1. BEVERLEY DONATI Speaking for the Virginia Department of Labor and Industry  
13 South 13<sup>th</sup> Street, Richmond, Virginia 23219  
Phone: 804.786.2382

a. Ms. Donati, requested on behalf of the Department of Labor and Industry, Virginia Apprenticeship Council, that the number of (tradesman training) hours be increased from 240 to 500 plus.

b. Ms. Donati requested that the regulatory section "Other methods of exemption from examination are as follows" have the wording, "Successful completion of an apprenticeship program which is approved by the Virginia Apprenticeship Council as evidenced by providing a certificate of completion" amended to indicate only those courses specifically approved for exam exemption by the Apprenticeship Council, not for general entry into the trade.

Ms. Donati's concern was seconded by Laurie Crigler, speaking on behalf of PMVP (Plumbing and Mechanical Professionals in Virginia), 7603 Compton Road, Richmond, Virginia 23228; Phone: 804.266.2403.

BOARD RESPONSE: Both the increase of training hours and the improved wording regarding exam exemption are ideas that the Board wishes to take under consideration at its next Regulatory Review Session since the current Noira did not express these actions as a goal for these regulations.

2. FRANCIS BRAMANDE

Speaking for Shesam, Incorporated  
 15401 McMullen Highway, Cumberland, Maryland 15401  
 Phone: 301.729.2515 ext. 3141

“Have you considered or are you considering people who have these licenses be able to bypass the testing procedure in Virginia by giving these licenses from Maryland, as where I am from? We have these licenses. It would just be repetitive for us to do these again.”

BOARD RESPONSE: Reciprocity agreements will permit this type of action and should be negotiated by the Board as a proposed agreement with another state board, not by unilateral decision by this Board’s regulations.

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

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#### **18 VAC 50-30-10 Definitions.**

To the existing “Gasfitter” definition was added “liquefied petroleum or natural” and deleted “propane” to clarify the types of current gas piping. This trade has been performing all types of gas piping and will continue to do so. The reason for adding “liquefied petroleum or natural” is to be consistent with statutory language. The reason for deleting “propane” was to remove an incorrect limit, which this trade had already been doing.

Add “Incidental” definition to clarify for the regulants how this word is used in this Chapter.

Add “Liquefied petroleum gas fitter” definition due to statutory requirement.

Add “Natural gas fitter provider” definition due to statutory requirement.

The existing list of trades, in the “Trade” definition, was alphabetized to clarify the order of the trades and be consistent throughout this Chapter.

#### **18 VAC 50-30-20 Requirements for licensure as a journeyman or master tradesman.**

The list of trades was alphabetized to be consistent.

#### **18 VAC 50-30-40.A.1 Evidence of ability and proficiency.**

This section was added to identify the requirements necessary to sit for the LPG/NGF journeyman examination. The requirement of 80 hours was determined from a study of the current training program information provided by the Virginia Propane Gas Association. The

Board accepted the following portions of the Certified Employee Training Program (CETP) Study Program:

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(NFPA 54 and NFPA 58)	80 hours

These requirements are less restrictive than currently exist for a “Gasfitter,” which consist of 240 hours of training.

**18 VAC 50-30-50. Exemption from examination.**

**B.4. a. and B.4.b.**

This section was added due to statutory requirement for exemption from the examination. In B.4.a., the Board added the designation of “Master Tradesman” and in B.4.b., the Board added the designation of “Journeyman Tradesman” to distinguish between the two.

**B.5.a. and B.5.b.**

This section was added due to statutory requirement for exemption from the examination. In B.5.a., the Board added the designation of “Master Tradesman” and in B.5.b., the Board added the designation of “Journeyman Tradesman” to distinguish between the two.

**C.2.**

The list of trades was alphabetized to be consistent.

**18 VAC 50-30-90. Fees for licensure and examination.**

**H.**

This section was added to identify the fee necessary for the initial licensure of “Liquefied Petroleum Gas Fitter” and “Natural Gas Fitter Provider.” The fee is consistent with other trades.

**18 VAC 50-30-200. Professional Education.**

**A.**

In paragraph one, language was added to specify the minimum competency requirements for the education of the “Liquefied Petroleum Gas Fitter” and “Natural Gas Fitter Provider.”

In paragraph two, the phrase “technical program” was deleted and the words “formal” and “training as defined in these regulations” were added to be consistent with the definition of “Formal vocational training”.

**Family Impact Statement**

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

All Boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of indirect costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies.

	FY 2001	FY 2002	FY2003	FY2004
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Subprogram	560 44	560 44	560 44	560 44

Impact of Regulatory Changes:				
One-Time Costs	0	0	0	0
Ongoing Costs	0	0	0	0
Total Fiscal Impact	0	0	0	0

**Description of Costs:**

One-Time: The printing and mailing of revised regulations, as well as the Notices of Regulatory Intent, are normal operating board costs.

Ongoing: None

**Cost to Localities:** None anticipated.

**Description of Individuals, Businesses, or Other Entities Impacted:** Adding these two trades to the list of those that require registration would affect any business operating in Virginia that chooses to install Heating Systems or other appliances that require portable or a main line hook up of liquefied gas.

**Estimated Number of Individuals, Businesses, or Other Entities Impacted:** There are already 7,918 individuals licensed to perform gas fitting work. The Liquefied Petroleum Gas Association expects approximately 1,000 regulants to register with this specialty, and Natural Gas companies expect another 1,000.